

No. 147, S.]

[Published August 20, 1957.

**CHAPTER 539**

AN ACT to renumber 59.08; and to create 21.02 (1a), 59.08 (2) and 62.15 (1b) of the statutes, relating to public works contracts in cities and counties where a public emergency exists.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 21.02 (1a) of the statutes is created to read:

21.02 (1a) CO-OPERATION WITH MUNICIPALITIES AND COUNTIES. In order to co-operate with municipalities and counties and to co-ordinate

their activities under ss. 59.08 (2) and 62.15 (1b) in case of disasters caused by man or nature, the state office of civil defense is authorized to utilize its existing facilities and man power to accomplish such co-operation and co-ordination in case of any such disaster and the authority in this section is extended to disasters caused by man or nature.

SECTION 2. 59.08 of the statutes is renumbered 59.08 (1).

SECTION 3. 59.08 (2) of the statutes is created to read:

59.08 (2) When the public health or welfare of a county is threatened as a consequence of an attack, aerial bombardment, epidemic, destruction of public facilities of such county or act of God, and the county highway committee determines that as a result a public emergency exists, the county highway committee may in its discretion by resolution declare a public emergency to exist in the county and take such measures as it deems necessary to eliminate such threat to the public health and welfare of the county. Such measures may include procurement of materials, services, supplies and repair and reconstruction of public facilities as may be under the jurisdiction of the county. Said procurement shall be under the direction of the county highway committee. The county highway committee shall promptly report to the county board such determination of a public emergency and the county board, in regular or special meeting upon the facts recited in the committee's report of its determination, may in its discretion, by ordinance, declare an emergency to exist. Where a public emergency is declared to exist and until the county board terminates such emergency sub. (1) shall not apply to contracts for such procurement, repair or reconstruction. Whenever a county highway committee or county board of supervisors determines or declares that a public emergency caused by a natural or man-made disaster exists, the state office of civil defense may utilize its existing facilities and man power to co-operate with such county and to co-ordinate the activities of 2 or more municipalities or counties or both, in the same manner as they are authorized to do for enemy attack under s. 21.02.

SECTION 4. 62.15 (1b) of the statutes is created to read:

62.15 (1b) PUBLIC EMERGENCY. When the public health or welfare of a city is threatened as a consequence of an attack, aerial bombardment, epidemic, breakdown in the public utilities of such city or act of God, and the board of public works determines that as a result a public emergency exists, the board may in its discretion by resolution declare a public emergency to exist in the city and take such measures as it deems necessary to eliminate such threat to the public health and welfare of the city. Such measures may include procurement of materials, services, supplies and repair and reconstruction of water, power and sewage facilities as may be under its jurisdiction. Said procurement shall be under the direction of the board. The board shall promptly report to the city council such determination of a public emergency and the council, in regular or special meeting upon the facts recited in the board's report of its determination, may in its discretion, by ordinance, declare an emergency to exist. Where a public emergency is declared to exist and until the council terminates such emergency sub. (1) shall not apply to contracts for such procurement, repair or reconstruction. Whenever a board of public works or city council determines or declares that a public emergency caused by a natural or man-made disaster exists, the state office of civil defense may utilize its existing facilities and man power to co-operate with such municipality and to co-ordinate the activities of 2 or more municipalities or counties, or both, in the same manner as they are authorized to do for enemy attack under s. 21.02. "Public emergency" as used in this subsection means an

unforeseen circumstance or combination of circumstances, including without limitation by reason of enumeration, an enemy attack, epidemic, breakdown in public utilities or facilities or act of God, by reason or as a result of which a public utility, facility or service essential for the health, welfare or convenience of the public is materially damaged, inoperative or destroyed, to the extent that it seriously and adversely affects or threatens the public health, welfare or convenience.

Approved August 6, 1957.

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